THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.15484 of 1994

Dated this the 3rd day of November, 2005

Between:

R.G. Ananta Ramulu, s/o. Chandraiah,

Aged about 51 years, working as Line Inspector,

APSEB, O/o. Additional Assistant Engineer,

Operation, Nandipet, H.Q.Noothpalli,

Nizamabad Division.

… **Petitioner**

and

The Member Secretary,

APSEB, Vidyut Soudha,

Somajiguda, Hyderabad, and another … **Respondents**

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.15484 of 1994

ORDER:

This writ petition is filed by the petitioner praying this Court to call for the records relating to the Memo dated

29-09-1993 issued by the first respondent and quash the same as arbitrary and illegal.

The petitioner worked as Line Inspector in the respondent-Board. A memo was issued to him on 20-08-1992 stating that he along with others misbehaved with the Divisional Engineer by confining and forcing him to sign the transfer orders, which constitutes misconduct under Regulation X, XII, XXXVI, XXXIX of Andhra Pradesh State Electricity Board Employees Discipline and Appeal Regulations and Regulation 4 (xxviii) of A.P.S.E.B. Employees (Revised) Conduct Regulations. A crime was also registered against the petitioner and others and trial was also conducted in C.C.NO.229 of 1992 for the alleged assault and confinement of the Divisional Engineer, but after trial the criminal court found the petitioner and other employees not guilty of the charges framed against them. During the pendency of the criminal cases, the departmental enquiry was conducted and the impugned order was passed finding the appellant guilty of the charges and imposing the punishment of stoppage of one increment with cumulative effect, through the order dated
29-09-1993. The petitioner being aggrieved by the said order filed this writ petition contending that during the pendency of the criminal proceedings, the first respondent ought not to have proceeded with the enquiry and he was not given reasonable opportunity and the principles of natural justice are violated.

The learned counsel for the respondents submitted that pendency of the criminal proceedings is no bar to proceed with the departmental enquiry and therefore, the first respondent conducted an enquiry by issuing repeated notices to the petitioner to attend the enquiry, but he failed to do so.
The petitioner was also issued a show cause notice proposing the quantum of punishment, but the petitioner did not care to respond to those notices. After the conclusion of the enquiry, the first respondent passed the impugned order imposing the stoppage of one increment with cumulative effect, which is a minor penalty under Regulation 7 (a) of the Regulations, for which no detailed enquiry is necessary.

Though the criminal case ended in acquittal subsequent to the date of filing of the writ petition, the acquittal of the petitioner *ifso facto* does not entitle him to get exonerated in the departmental enquiry. On the basis of the material available on record, the Disciplinary Authority came to a conclusion that the guilt of the petitioner is proved. Initially, a show cause notice was issued to the petitioner on 20-08-1992 and another notice was also issued on 14-10-1992 asking him to give his explanation. On 17-03-1993 also another notice was issued as a final notice, but

there was no response from the petitioner.

In the light of the above circumstances, the first respondent was right in passing the impugned order.

The petitioner, having failed to participate in the enquiry and filing the explanation, is not entitled to question the legality of the order and on perusal of the record, I do not find any violation of principles of natural justice. Therefore, I do not find any merits in the writ petition.

The writ petition is, accordingly, dismissed. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 03-11-2005

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